

# Notice of Allowability

Application No.

09/830,744

Examiner

Ganapathy Krishnan

Applicant(s)

BARBUCCI ET AL.

Art Unit

1623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 05, 2003.
2. ☒ The allowed claim(s) is/are 12-16.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                     |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>20031205</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance            |
|  | 9 <input type="checkbox"/> Other   |

JAMES O. WILSON  
SUPERVISORY PATENT EXAMINER  
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### **REASONS FOR ALLOWANCE/ EXAMINER'S AMENDMENT**

The following is an examiner's statement of reasons for allowance:

In view of the declaration under Rule 132 the process wherein cross-linked polysaccharides are obtained only via purely amidic bonds between the polysaccharide and the amino group of the polyamine as instantly claimed are not taught or fairly suggested by the prior art of record.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Walter Schneider on December 05, 2003.

Claim 12 has been deleted and the following is inserted for claim 12, --- "A process for the preparation of cross-linked polysaccharides wherein the cross-linking occurs only through amide bonds between carboxy groups of the starting polysaccharides and amino groups of a polyamine in which the polysaccharide is selected from the group consisting of hyaluronic acids, carboxymethyldextran, carboxymethylcellulose, carboxymethylstarch, alginic acids, cellulose acid, N-carboxy-methyl or butyl glucans or chitosans, heparins with different molecular weights, optionally desulphated and succinylated, dermatan sulphates, chondroitin sulphates and heparan sulphates comprising (a) activating the carboxy groups of the polysaccharide in an aqueous aprotic solvent using a suitable carboxy activating agent; (b) reacting the carboxy activated

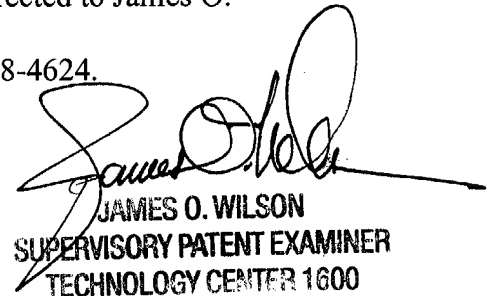
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polysaccharide with a polyamine selected from the group having the formula  $R_1-NH-A-NH-R_2$  wherein  $R_1$  and  $R_2$ , which may be the same or different, are hydrogen,  $C_1-C_6$  alkyl, phenyl or benzyl groups;  $A$  is a  $C_2-C_{10}$  alkylene chain; a polyoxyalkylene chain of the formula  $[(CH_2)_n-O-CH_2]_m$  wherein  $n$  is 2 or 3 and  $m$  is an integer from 2 to 10; a  $C_5-C_7$  cycloalkyl group or an aryl or heteroaryl group; and (c) recovering the resultant cross-linked polysaccharide.”

Claim 17 has been cancelled.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance”.

Any inquiry concerning this communication should be directed to James O. Wilson, Supervisory Patent Examiner in Art Unit 1623 at 703-308-4624.



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